

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

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UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
BRIAN WRIGHT,  
  
Defendant.

Case No. 2:14-cr-00357-APG-NJK

**ORDER ACCEPTING REPORT &  
RECOMMENDATION REGARDING  
WRIGHT'S MOTION FOR RETURN OF  
PROPERTY**

[ECF Nos. 424, 478]

Defendant Brian Wright filed a motion for the return of property he claims was seized from him at the time of his arrest. ECF No. 424. Magistrate Judge Ferenbach conducted an evidentiary hearing and recommends that I grant part of the motion. ECF No. 478. Specifically, he recommends that I order the Government to return the \$2,152 taken from Wright's front pocket, but that I not order the Government to return the \$40,000 cash found in Wright's box spring. *Id.* at 8-9.<sup>1</sup> He also recommends that I find that the government cannot return the rings taken off Wright's fingers because law enforcement did not seize the rings. *Id.* at 9.

Wright objected to Judge Ferenbach's recommendation. I have conducted a de novo review of the papers and evidence as required by Local Rule 3-2(b). Judge Ferenbach's Report and Recommendation sets forth the proper legal analysis and factual bases for the decision. I adopt it as my own.

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<sup>1</sup> Wright also sought the return of a silver ring allegedly taken from a drawer and three cell phones. Wright later admitted that the silver ring did not belong to him, so Judge Ferenbach did not consider any arguments about it. *Id.* at 3. Wright also later stated that only one of the cell phones belonged to him, and Judge Ferenbach ordered the parties to confer about what to do with that phone. *Id.* at 9. The parties have resolved that issue. *See* ECF No. 479.

1 I ORDER that Magistrate Judge Ferenbach's Report and Recommendation (**ECF No.**  
2 **478**) is **ACCEPTED** and Wright's motion (**ECF No. 424**) is **GRANTED IN PART**. By  
3 February 22, 2021, the Government shall return to Wright the \$2,152 taken from his front pocket  
4 and the Galaxy 7 Edge cell phone (if it has not yet been returned). The Government shall not  
5 return the seized \$40,000.

6 I FIND that the Government cannot return the rings taken off Wright's fingers because  
7 law enforcement did not seize the rings.

8 Dated this 22nd day of January, 2021.



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ANDREW P. GORDON  
UNITED STATES DISTRICT JUDGE